

TEXAS RADIATION ADVISORY BOARD MINUTES
Third Quarter Meeting
July 21, 2001
Austin, Texas

The meeting was called to order at 9:00 a.m. by Dale E. Klein, Ph.D., P.E., Chair, with the following members present: Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Eugene A. Coleman, Ph.D.; Earl P. Erdmann; Michael S. Ford, C.H.P.; Ian Hamilton, Ph.D.; Odis R. Mack; Troy Marceleno; Judith A. Pester, M.D.; Elaine L. Wells; and Philip M. Wentworth

The following members were absent: Thomas M. Burnette; W. Kim Howard, M.D.; Justin P. LeVasseur, M.D.; Bruce A. Matson, D.D.S.; and Kevin L. Raabe

Guests present: Rick Jacobi; Bob Wilson, McGinnis, Lochridge, and Kilgore; Eddie Selig, Advocates for Responsible Disposal; Annette Glass, Committee on Environmental Regulation; and Don Darling

Texas Department of Health (TDH) central office staff present: Joseph L. Fuller and Tom Godard

Bureau of Radiation Control (BRC) staff present: Richard A. Ratliff, P. E.; Margaret Henderson; Doris McCormick; Cindy Cardwell; Art Tate; Bill Silva; Tommy Cardwell; Bob Free; Debbie Borden; Pete Myers; and Ray Jisha

Texas Natural Resource Conservation Commission (TNRCC) staff present: Susan Jablonski; Hygie Reynolds; George Fitzgerald; and Tony Bennett

Texas Railroad Commission (RRC) staff present: Steven Seni, Ph.D.

Mr. Ratliff reported that Joe Fuller, Associate Commissioner for Environmental and Consumer Health plans to retire August 31, 2001. Mr. Fuller expressed his appreciation on behalf of TDH and the associateship for all the work the board members have done in helping staff to fulfill their responsibility in protecting the public health and safety. He said the Board of Health members also appreciate the work TRAB members do because it makes their job a lot easier.

Minutes of the April 7, 2001 meeting were approved as submitted.

Bob Free provided a presentation to the board members on the Waste Isolation Pilot Project (WIPP) in New Mexico.

Art Tate discussed security of industrial radiography sources. Mr. Tate provided the board members with a summary of the number of industrial radiography sources that were stolen, lost, or unable to be found during the last five years. An additional handout provided information on stolen moisture density gauges.

Susan Jablonski reported on the status of NORM (naturally occurring radioactive material) rules and program at Texas Natural Resource Conservation Commission (TNRCC). TNRCC does not plan to initiate NORM rules until there is a need and someone petitions for rulemaking.

On motion and second, TRAB recommended that TNRCC begin rulemaking as soon as possible to propose and adopt rules for NORM disposal.

Tony Bennett reported on drinking water regulations. The final draft rules will be available to the board members in December 2002. Plans are to hold three stakeholder meetings beginning in August. TDH and RRC will be asked to participate with TNRCC in communicating with the stakeholders.

Dr. Klein asked Mr. Ford and Dr. Hamilton to prepare a draft resolution for review at the next meeting stating TRAB's position on the drinking water standards.

Dr. Klein asked Dr. Hamilton to gather data from other states to see if they are having similar problems with public drinking water suppliers and provide the information to Governor Perry's environmental staff.

Mr. Ratliff provided a handout listing the bills passed by the legislature relating to radiation control. A digest of the bills passed was also provided.

Annette Glass reported that, this week, the Speaker sent all of the chairmen of committees a request to submit suggestions for interim studies. If anyone has any issues for the Committee on Environmental Regulations, please email them to Margaret Henderson or her.

Mr. Ratliff discussed the Work Force Plan for the Bureau of Radiation Control. Many senior staff will be eligible for retirement soon. Training is also a problem. Staff was very fortunate to have Dr. Hamilton provide a five-week course at A & M at a lesser fee than the radiation safety course that has been held out-of-state in the past.

Mr. Ratliff discussed an external audit of TDH being performed by Mr. Elton Bonner.

The Medical Committee (Susan E. Best, M.D., Ph.D., Acting Chair) met and a quorum was not present. The University of Texas Health Science Center requested approval of an investigational study using a bone densitometer to create a database for normal bone density scores for children. At the last meeting the board members requested additional information. Mrs. McBurney stated Dr. Howard provided some information he obtained from the Internet and some Journal articles. On motion and second, the committee recommended that Dr. Howard's issues be forwarded to the UT Health Science Center and their comments be forwarded to BRC for further consideration. Motion passed unanimously.

On motion and second, the committee recommended 25 TAC 289.230 Certification of Mammography Systems and Accreditation of Mammography Facilities be forwarded to the Board of Health to be proposed and published in the *Texas Register* for public comment. Motion passed unanimously.

The Executive Committee (Dale E. Klein, Ph.D., P.E., Chair) met, a quorum was present. The committee discussed the issue of Stockpiling of Potassium Iodide Tablets. Mr. Tate provided the board members with a document stating that a bill in Congress proposes that the Federal Emergency Management Agency develop a plan for stockpiling potassium iodide for anyone living within a fifty-mile radius of a nuclear power plant. The committee especially compliment the quality of the briefing paper prepared by Scott Flowerday of BRC.

On motion and second, the committee recommended 25 TAC 289.203 Notices, Reports, and

Instructions to Workers; Inspections be forwarded to the Board of Health for proposal and publication in the *Texas Register* for public comment. Motion passed unanimously.

On motion and second, the committee recommended 30 TAC Chapter 336, Radioactive Substance Rules be forwarded to the Commissioners of the Texas Natural Resource Conservation Commission for final adoption. Motion passed unanimously.

Program Reports:

(1) TNRCC

- A. Susan Jablonski reported on legislation saying that none of the low-level radioactive waste disposal bills passed. The Chapter 402 of the Health and Safety Code has not changed and TNRCC is still the regulator and the developer of a waste site. TNRCC will continue to keep current information on the waste that is being disposed of by entities in Texas, Maine, and Vermont.

A public statement has been made by Envirocare of Utah that they will not be pursuing a license to take Class B and C waste at this time. A report will be provided the board showing the disposal patterns and projections for specific generators in Texas, Maine, and Vermont. TNRCC will be holding a waste generators meeting in September or October of 2001.

- B. George FitzGerald reported that another buried waste site has been decommissioned and another site will be decommissioned this month. Two sites are being cleaned up by the U.S. Corp of Engineers. One is currently under review for a license renewal and the remaining sites are under review.

Staff will be hosting the Nuclear Regulatory Commission (NRC) in August for a four year review of the TNRCC program.

- (2) A. TDH, Bureau of Radiation Control (Richard A. Ratliff, P.E., Chief)
- (i) NRC will be performing their in-depth review of TDH and TNRCC, August 27 - 31, 2001.
 - (ii) The annual meeting of the Agreement States with the NRC is scheduled for October 8 - 11, 2001 in Santa Fe, New Mexico. Minnesota, Wisconsin, and Pennsylvania have applied to become Agreement States. New Jersey is also considering the issue.
 - (iii) Staff has been working with Waste Control Specialists, a company who has a license to process waste in Andrews County. Currently they have a petition before the NRC to allow an exemption for diffuse special nuclear material.
 - (iv) Julie Davis with the BRC staff assisted the Governors Division of

Emergency Management with the flood victims for approximately two weeks.

B. Licensing, Registration, & Standards (Ruth McBurney)

- (i) HB 1099 changed the financial qualifications for issuance or renewal of a license. The bill also states that rulemaking will be done to address financial qualifications. A stakeholders meeting will be held September 11, 2001, in Austin, to obtain feedback for rulemaking from licensees and interested parties.
- (ii) HB 1099 allows TDH to assess a 5% surcharge on licensees. Funds will be designated for cleanup of abandoned sites. Fee rules will need to be changed.
- (iii) BRC with TDH's Division Breast and Cervical Cancer will hold a mammography seminar October 20, 2001 in Austin.
- (iv) Lasers are being registered if an application is submitted. BRC is not actively soliciting laser registrations unless they are entertainment lasers.
- (v) HB 1099 changes the definition of radiation to include the near laser devices. BRC will not be registering these devices but there will be the opportunity to investigate and take action against laser users who have caused damage.

B. Compliance and Inspection (Arthur Tate)

- (i) The near lasers are very high powered devices and are capable of doing damage to people. They will be looked at as entertainment lasers and checked to see if they are being used to scan the audience.
- (ii) The Gulf Nuclear facility in Midland/Odessa was abandoned leaving radioactive material and contamination. The site has been cleaned up with the help of the Environmental Protection Agency (EPA) and the Corp of Engineers. The cost to the EPA for this cleanup was approximately one and one-half million dollars.
- (iii) The dress rehearsal for the annual emergency exercise at Comanche Peak scheduled for July was completed. Although there was a problem at the plant and it was shut down for 24 hours, the plant was able to provide some staff to assist with the exercise. The graded exercise is scheduled for August 22, 2001.
- (iv) Pantex will hold a table top recovery exercise August 15, 2001.

(3) RRC (Steve Seni, Ph.D.)

Provided the board members with a report on passed legislation which effects the RRC's authority with respect to operators of oil and gas well equipment. RRC will have to modify the statewide rule. The bill authorizes the RRC to require operators to

determine whether the equipment they are using in oil and gas rigs is contaminated with NORM waste. The RRC will work with the BRC and TNRCC to modify the rule.

Mr. Ratliff reported that Dr. Emery with the University of Texas of Houston will provide some graduate students to assist in looking at all records for abandoned well logging sources.

Don Darling, a retired naval officer living in Austin and an independent nuclear critic, stated the nuclear industry is still not facing the reality of effects of nuclear power facilities and the generation of nuclear waste. Consequences are being passed on to not only the public of today, but the future generations of Texas citizens. Mr. Darling stated we need to wake up and shut down nuclear power plants.

Mr. Darling said the news media made a big deal about the compensation that was going to be given nuclear workers recently. What wasn't covered and isn't being covered very well is that the federal government has not passed laws that give the funding to compensate these people. When they go in with their claims, they get letters saying sorry we don't have any money.

Mr. Darling said he appreciated the ability to be here and speak to all of the TRAB members.

Dr. Klein stated five board member positions expired this year and the governor's office is now starting the process of looking for individuals to fill those terms. For the members whose

term has expired, it is recommended they plan on attending the next meeting on November 3, 2001. The members are to serve until they are replaced.

If anyone knows of an individual who is eligible, send the information to Dr. Klein and he will forward to the governor's office.

The next quarterly meetings were tentatively scheduled for November 3, 2001, January 12, 2002, and April 6, 2001, in Austin, Texas.

The meeting adjourned at 12:25 a.m.

Respectfully submitted,

Jimmy I. Barker, P.E., Acting Secretary

Texas Radiation Advisory Board